

**REMARKS**

In accordance with the above amendments, claims 1 and 2 have been amended. Claims 1-7, 10 and 13-15 remain under consideration in the present application, claims 8-9, 11-12 and 16 having been deemed withdrawn from further consideration as being directed to a non-elected species/invention by the Examiner. No claim stands as having been allowed.

**Claim Rejection Under 35 USC § 102(b).**

Claims 1-7 and 13-15 stand rejected under 35 USC § 102(b) as being anticipated by Barth et al (USPN 3,954,365). This rejection is respectfully traversed.

The Barth et al reference discloses a die blank for extruding foamed thermoplastics of irregular shapes. That extrusion device employs an irregular shape of internal open channels 6 and can be partially blocked by insertion of pins 9 to decrease the diversity of the extruded article. The pins are not attached to the separating walls 5 of the channels but, instead, are secured together in position by tie rods 10. Thus, they are clearly not an integral part of the die structure and can be changed at random. There is nothing in the specification or drawings that indicates the particular shape of the extrusion portion of the passage in the die 1 that it is circular is speculative. There is no webbing structure which includes a center and a series of radial struts connecting the center with the inner wall of the die in Barth et al.

Applicants' claim 1 has been amended to clarify the description of the structure and more closely define the webbing construction within the central passage of the die. Support for the description of the webbing structure can be found throughout the specification and drawings, including, for example, at page 6, lines 28-33.

Claim 2 has been amended to clarify the fact that the unitary structure is made from a single die blank.

As stated in a previous response, and as is well known, in order for a patent to qualify as a reference supporting a § 102(b) rejection, it must disclose each and every limitation or element of the rejected claim. It is further settled that even slight differences between the compared inventions prevent a rejection based on lack of novelty under § 102. Thus, anticipation under 35 USC § 102 requires that a single cited reference demonstrates each and every element of the claimed invention.

The Barth et al reference clearly does not meet these requirements. Thus, it has not been demonstrated that the Barth et al reference meets the limitations of any of applicants' elements (a), (b) or (c) in claim 1, for example. Specifically, an open lattice webbing structure including a center and a series of radial struts connecting the center with the inner wall of the die as required in element (b) is clearly not shown or described in the reference. There is no indication that the central

passage of the die of the reference is round. This clearly does not show in the sectional view of Figure 2 and one can only speculate about this possibility. In addition, the die pins are clearly not fixed to the lattice webbing structure in Barth et al as is required by the present claims.

The remaining rejected claims 2-7 and 13-15 all depend in some way from claim 1 and therefore contain all of the limitations of claim 1. This being the case, they also cannot be said to be anticipated by the Barth et al reference.

In view of the amendments and remarks herein, the Examiner is respectfully requested to reconsider his position and withdraw the rejection under 35 USC § 102(b).

**Claim Rejection Under 35 USC § 103(a).**

It is noted that claim 10 has been rejected under 35 USC § 103(a) as being unpatentable over Barth, above, in view of Osrow et al (USPN 4,376,624). This rejection is also respectfully traversed. It is believed that sufficient differences exist between the Barth et al reference and the present claims that the disclosure of pins having other than a round cross section as added by Osrow et al would not render this claim obvious, as claim 10 also depends from claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Because of the fundamental differences between applicants' claim 1 and the cited references, applicants do not believe it necessary to argue the rejections of the various dependent claims

as these are now believed to have been made moot. This is not to admit, however, that any of the rejections of the dependent claims would otherwise have merit.

It is further noted that the drawings have been objected to under 37 CFR 1.83(a) because the pins of non-round cross section (claim 10) have not been shown. In this regard, the Examiner's attention is directed to Figure 5 which clearly shows trapezoidal shaped pins 70 which are further described in detail at page 7, lines 6-16. In this manner, claim 10 is believed fully supported.

Applicants believe that their claimed invention clearly contains an inventive step over any of the prior art, taken either singularly or in combination, and withdrawal of the rejections and allowance of the claims is respectfully requested.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



C. G. Mersereau  
Registration No. 26205  
820 International Centre  
900 Second Avenue So.  
Minneapolis, MN 55402  
(612) 339-7461

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the foregoing Amendment submitted in response to the final Official Action dated January 30, 2006 and Transmittal Letter in application Serial No. 10/698,091, filed on October 31, 2003, of William J. Worrell, Jr., et al, entitled "PROPELLANT EXTRUSION DIE" are being sent by facsimile transmission to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 10, 2006.



Barbara L. Davis  
on behalf of C. G. Mersereau  
Attorney for Applicant

Date of Signature: February 10, 2006